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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,680	09/01/2000	Peter Bohacek	PA1156	5328

7590 04/16/2004

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EXAMINER

NGUYEN, HANH N

ART UNIT PAPER NUMBER

2662

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/653,680

Applicant(s)

BOHACEK ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 02/02/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 are rejected under 35 USC 103(a) as being unpatentable over **Gallant** (US Pat. No. 6,259,782 B1) in view of **Admitted prior art**.

In claims 1, 2, 3, 6, 7, 8, 9, 11, 14, 16, 17, 18, 19, 22 and 25, **Gallant** discloses ( in Fig.6, col.9, lines 10-25) as follow: an incoming call from a caller 102 to a wireless subscriber 110 is initiated at local switch 120a (initiating a call at PBX/central office). The local switch 120a sends a request message for routing instructions to global local register GLR 210 which comprises HLR 44 (See Fig.3). The request message is sent via SS7 signaling network 160 (querying through SS7 backbone to HLR for routing instructions). See Fig.2, col.6, lines 20-30. Based upon receipt of the request, HLR 44 of GLR 210 sends a message to MSC 130a to determine if the wireless subscriber 110 is registered. If so, the MSC 130a reponses a temporary routing number to HLR 44 of GLR 210 for completing the call ( VMSC assigning a temporary routing number for the signal and passing the temporary number back to HLR). The HLR forwards the temporary number, via SS7 as stated above, to the local switch 120a (HLR returning the temporary number via SS7 to the local switch). The local switch 120a uses the temporary routing number to route the call to the MSC 130a through combine switch arrangement 150 (see Fig.2, col.6, lines 10-15) and allow completion of the call to wireless

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subscriber 110 (VMSC processing the connection to complete the communication to a wireless subscriber). See col.9, lines 10-25. **Gallant** does not disclose a VOIP virtual private network comprising a first gateway; a second gateway, and a command center returning VOIP IP address to the first gateway.

**The admitted prior art** discloses, in Fig.2, that a VOIP virtual private network 240 comprising gateway 242 ( first gateway), gateway 246 (second gateway) and command center 244 (a VOIP virtual private network comprising a first gateway; a second gateway, and a command center). The gateway 242 request routing information via line 250 from command center 244 (first gateway requesting routing information from command center 244). The command center 244 notifies gateway 246 via line 252 about the incoming connection 258 (the command center inform second gateway of an incoming connection). Gateway 246 via line 254 notifies command center 244 of its readiness to accept incoming connection 258 (second gateway inform the command center of its readiness to receive incoming connection). Command center 244 via line 256 returns translated IP address to gateway 242 (command center returns IP address to first gateway). Gateway 242 establishes connection to gateway 246 (first gateway establishing connection to second gateway). See page 4, lines 14-20. Therefore, it would have been obvious to one ordinary skill in the art to use the VOIP virtual private network in the admitted prior art into **Gallant** in order to achieve the claimed invention. The motivation of the is to establish long distance telephone calls between a tradition phone and wireless phone via Internet network.

In claims 4, 5, 12, 13, 20, 21, 23 and 24, **Gallant** discloses the MSC 130a determines whether the mobile subscriber 110 is registered in the wireless network. If it is registered, a call

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is established between local switch 120a and MSC 130a. If it is not registered, MSC 130a response an error message to local switch 120a ( determining whether caller's communication should be routed through the wireless network). See Fig.6 & 7, col.9, lines 17-25 & lines 35-40.

In claims 10 and 15, the limitations of these claims have been addressed in claim 1.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turner et al. (US Pat. No. 6,718,030 B1) discloses Virtual Private network System and Method using VOIP.

Hogan (US Pat. No. 5,581,596) discloses method for Controlling Call Processing in a Microcellular Personal Communications Services System.

Gillespie (US Pat. No. 6,014,377) discloses System and Method for an Integrated Wireline/Wireless Service Using PBX Lines.

Maroulis (US Pat. No. 6,584,094 B2) discloses Techniques for providing Telephonic Communications over the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The


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examiner can normally be reached on Monday-Friday from 8AM-5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



April 6, 2004